

**BEFORE THE APPEALS BOARD  
FOR THE  
KANSAS DIVISION OF WORKERS COMPENSATION**

**ROGER W. ELKINS, SR.**

Claimant

VS.

**SEDGWICK COUNTY**

Respondent

Self-Insured

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Docket No. 248,119

**ORDER**

Respondent appeals the December 5, 2000, Award of Administrative Law Judge Jon L. Frobish. Claimant was awarded a 13 percent impairment to the body as a whole after the Administrative Law Judge considered the medical opinions of Harry A. Morris, M.D., Paul Rodriguez, M.D., and Larry K. Wilkinson, M.D., regarding claimant's bilateral carpal tunnel syndrome and left shoulder injury. Oral argument before the Board was held on May 11, 2001.

**APPEARANCES**

Claimant appeared by his attorney, Joni J. Franklin of Wichita, Kansas. Respondent, a qualified self-insured, appeared by its attorney, E. L. Lee Kinch of Wichita, Kansas. There were no other appearances.

**RECORD AND STIPULATIONS**

The Appeals Board has considered the record and adopted the stipulations contained in the Award.

**ISSUES**

What is the nature and extent of claimant's injury?

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Having reviewed the entire evidentiary record filed herein, the Appeals Board finds the Award of the Administrative Law Judge should be affirmed.

The Award sets out findings of fact and conclusions of law in some detail and it is unnecessary to repeat those herein. The Appeals Board adopts those findings and conclusions as its own as if specifically set forth herein.

The only dispute in this matter deals with the claimant's functional impairment resulting from his bilateral carpal tunnel and left shoulder injuries suffered while working for respondent over a period of many years. Respondent argues the Board should adopt the opinion of Dr. Morris, the treating orthopedic surgeon, over that of Dr. Rodriguez, claimant's hired expert. Claimant was also examined by Dr. Wilkinson. The medical opinions of the three doctors were identical on the left shoulder, with each finding claimant had suffered a 10 percent impairment to the shoulder. The only variation came as a result of the doctors' opinions regarding claimant's bilateral carpal tunnel syndrome. Dr. Morris found claimant had suffered a 3 percent impairment to each wrist, Dr. Wilkinson assessed a 4 percent impairment to each wrist and Dr. Rodriguez assessed a 12 percent impairment to each wrist. The Administrative Law Judge, in considering the opinions of the three experts, found no reason to place greater emphasis on one opinion over that of the others and, after averaging the opinions, assessed claimant a 13 percent impairment to the body as a whole.

The Board does note that the Award mistakenly shows Dr. Morris's opinion at 2 percent to each wrist. The correction to show the actual opinion of 3 percent to the wrists results in no variation in the final whole body disability.

The Board, in reviewing the evidence, finds claimant has suffered a 13 percent impairment to the body as a whole, as was awarded by the Administrative Law Judge.

In all other regards, the Award of the Administrative Law Judge is affirmed insofar as it does not contradict the findings and conclusions contained herein.

**AWARD**

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge Jon L. Frobish dated December 5, 2000, granting claimant a 13 percent impairment to the body as a whole for the injuries suffered while employed with respondent, should be, and is hereby, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of May 2001.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c:     Joni J. Franklin, Wichita, KS  
       E. L. Lee Kinch, Wichita, KS  
       Jon L. Frobish, Administrative Law Judge  
       Philip S. Harness, Director